

EXHIBIT M

1
2 UNITED STATES DISTRICT COURT
3 FOR THE EASTERN DISTRICT OF TEXAS
4 MARSHALL DIVISION

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6 TQ DELTA, LLC,

7 Plaintiff,

Civil Action No.
2:21-cv-00310-JRG
(Lead Case)

8 v.

9 COMMSCOPE HOLDING COMPANY,
10 INC., COMMSCOPE INC., ARRIS
11 INTERNATIONAL LIMITED, ARRIS
12 GLOBAL LTD., ARRIS US HOLDINGS,
13 INC., ARRIS SOLUTIONS, INC.,
14 ARRIS TECHNOLOGY, INC., and
15 ARRIS ENTERPRISES, LLC,

16 Defendants.

17 v.

18 NOKIA CORP., NOKIA SOLUTIONS
19 AND NETWORKS OY, and NOKIA OF
20 AMERICA CORP.,

Civil Action No.
2:21-CV-00309-JRG
(Member Case)

21 Defendants

22 -----
23 ** HIGHLY CONFIDENTIAL **

24 ATTORNEYS' EYES ONLY

25 REMOTE VIDEOTAPED DEPOSITION OF

26 TODOR COOKLEV, PH.D.

27 VOLUME II

28 December 9, 2022

29 Reported by:
30 Janice M. Kocek, CSR, CLR
31 Job No. 220201

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December 9, 2022

10:21 Eastern

The continued videotaped deposition
of TODOR COOKLEV, PH.D., held at via Zoom
videoconference, before Janice M. Kocek, a
Certified Shorthand Reporter, Certified
LiveNote Reporter and Notary Public of the
State of Illinois.

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2 A P P E A R A N C E S:

3 ** ALL PARTICIPANTS APPEARING REMOTELY **

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5 ATTORNEYS FOR THE TQ DELTA

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20 BY: RACHEL WALSH, ESQ.

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1 T. COOKLEV - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

2 A P P E A R A N C E S:

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11 ALSO PRESENT:

12 BILL THOMAS, Videographer

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1 T. COOKLEV, PH.D. - VOL. II - HIGHLY CONFIDENTIAL

2 THE VIDEOGRAPHER: This is the
3 continuation of Dr. Todor Cooklev. This is
4 December 9th, 2022. The time is 10:21.
5 This is the continuation of his deposition.
6 Stipulations and oath from yesterday are
7 still standing today.

8 T O D O R C O O K L E V, P. H. D.,
9 having been previously sworn by a Notary
10 Public, resumed and testified as follows:

11 CONTINUED EXAMINATION BY

12 MS. WALSH:

13 Q. Good morning, Dr. Cooklev.

14 A. Good morning.

15 Q. Do you understand that you're still
16 under oath in this proceeding?

17 A. I do.

18 Q. And are you on any medications today
19 that would prevent you from giving full and
20 truthful answers to my questions?

21 A. No, I'm not.

22 Q. Is there any other reason why you'd
23 be unable to give full and truthful answers to
24 my questions?

25 A. I don't think so.

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2 Q. Over the evening break, did you
3 speak with anyone regarding the substance of
4 your testimony?

5 A. No, I did not speak regarding the
6 substance of the testimony.

7 Q. So in the course of -- so I posted
8 into the chat what we marked yesterday as
9 Exhibit 1, which is your opening report.

10 Can you confirm that you're able to
11 access that either through the chat or through
12 ShareFile?

13 A. Yeah, I -- I do see it in the
14 submitted folder.

15 Q. Okay.

16 A. And also yesterday I downloaded that
17 file. So I could use that.

18 Q. Okay. Okay. So in the course of
19 doing your analysis for your opening report,
20 one of the things that you looked at was
21 datasheets for the accused products, correct?

22 A. Datasheets?

23 Q. Correct. Yes, datasheets, user
24 guides, et cetera.

25 MR. HURT: Object to the form.

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2 THE WITNESS: Oh. Yeah, that is --

3 that is something that I relied on.

4 BY MS. WALSH:

5 Q. And those datasheets, probably among
6 other things, they describe the features and
7 functionality of the accused products, correct?

8 A. Well, as far as contents of
9 datasheets, I -- I mean, I'm not going to, I
10 guess, answer the question just without looking
11 at the datasheets.

12 Q. Okay.

13 (Cooklev Deposition Exhibit 4
14 was marked for identification.)

15 BY MS. WALSH:

16 Q. So I have copied into the chat
17 what's been marked as Exhibit 4. And it's a
18 document titled user "Guide HomePortal
19 Intelligent Gateway" bearing Bates No.
20 COMMSCOPE018563.

21 Do you have the document,
22 Dr. Cooklev?

23 A. I am getting it right now.

24 I got it.

25 Q. Okay. Do you recognize this

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2 document, Dr. Cooklev?

3 A. This is a document -- a document
4 that is referenced in my opening report.

5 Q. Okay. So does that mean that you
6 have reviewed it?

7 A. Yes.

8 Q. At internal page 10, there's a
9 section titled "Connecting the gateway to the
10 Internet."

11 Can you go to that section, please?

12 A. Yes, I'm there.

13 Q. And so the title there reads
14 "Connecting the gateway to the Internet."

15 Do you see that?

16 A. I do.

17 Q. And so the subhead below that reads
18 (as read): Using the DSL port. Connect the
19 gateway to the Internet through the DSL port.

20 Do you see that?

21 A. I see this.

22 Q. And so this would indicate to a user
23 that you can connect the 5168 product to the
24 Internet using a DSL connection.

25 Is that -- is that fair to say?

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2 MR. HURT: Object to the form.

3 THE WITNESS: I think that's the
4 idea here.

5 BY MS. WALSH:

6 Q. Okay. And there's a section below
7 the figure that says (as read): Using the
8 Ethernet port. Connect the gateway to the
9 Internet through the Ethernet port.

10 Do you see that?

11 A. Yes, I see this.

12 Q. And so below that, it describes the
13 process of connecting the 5168 product using an
14 Ethernet port, correct?

15 A. That's what it -- it says (as read):
16 Connect the gateway to the internet through the
17 Ethernet port.

18 Q. Okay. So you can connect a 5168
19 gateway to the internet using an Ethernet port,
20 correct?

21 MR. HURT: Object to the form.

22 THE WITNESS: That's what I think
23 the idea here. That's what it says. You
24 can connect the gateway to the Internet
25 through the Ethernet port.

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2 BY MS. WALSH:

3 Q. And that connection would not use
4 DSL, correct?

5 MR. HURT: Object to the form.

6 (Witness reviewing document.)

7 THE WITNESS: I mean, it's not --
8 that's not something that I had to
9 investigate.

10 BY MS. WALSH:

11 Q. But would you agree that if this
12 user guide describes connecting through a DSL
13 port and an Ethernet port, that it can also
14 connect through an Ethernet port?

15 MR. HURT: Object to the form.

16 THE WITNESS: Yeah, I agree that --
17 that the user guide says that you can
18 connect the gateway to the Internet using
19 the DSL port or the Ethernet port.

20 BY MS. WALSH:

21 Q. Okay. And a connection through the
22 Ethernet port would not use the DSL port,
23 correct?

24 MR. HURT: Object to the form.

25 THE WITNESS: I have not analyzed

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2 this.

3 BY MS. WALSH:

4 Q. You would agree that it is very
5 unlikely for the system to be connecting
6 through both a DSL port and an Ethernet port at
7 the same time, correct?

8 MR. HURT: Object to the form.

9 THE WITNESS: As I said, it's not
10 something that I have analyzed. And I
11 don't think I've given an opinion about
12 this in my report.

13 BY MS. WALSH:

14 Q. But as you sit here today, can you
15 answer that question?

16 MR. HURT: Object to the form.

17 THE WITNESS: I mean, it seems like
18 that -- that requires some analysis. And
19 just I -- since I have not considered this,
20 I can't give you opinion right here.

21 BY MS. WALSH:

22 Q. But this is a document that you
23 relied on in forming your opinions, correct?

24 A. Yes.

25 MR. HURT: Object to the form.